

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Motion to Vacate Stay

Plaintiffs request this Court vacate the stay entered on July 12, 2019, ECF No. 191. In support, Plaintiffs state:

1. On July 12, 2019, this Court granted Defendant's motion to stay proceedings pending its interlocutory appeals to the Eighth Circuit. ECF No. 191. The stay was granted over the opposition of Plaintiffs, who were prepared to prosecute their case on the merits as scheduled on August 26, 2019. ECF No. 189. Defendant and this Court both relied on the fact that Defendant did not seek to stay the preliminary injunction as a support for the conclusion that Plaintiffs would not be prejudiced by a stay. ECF Nos. 187, 191.

2. On April 27, 2021, a panel of the Eighth Circuit issued an opinion and judgment in Defendants' appeals, which had been consolidated. ECF No. 195. The panel majority directed that upon remand a final judgment be entered no later than October 31, 2021. *Id.* Furthermore, the panel majority determined that the preliminary injunction must be vacated if the majority's deadline is not satisfied.

3. For the reasons set forth in the accompanying memorandum in support, the stay should be vacated.

WHEREFORE Plaintiffs request this Court vacate the stay and establish a schedule that will permit Plaintiffs' request for permanent relief to be decided on the merits prior to October 31, 2021.

Respectfully submitted,

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